

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

GLENN KANVICK,

Plaintiff,

vs.

BILLINGS PUBLIC SCHOOLS,
DISTRICT #2 ALL PAST AND
FUTURE TRUSTEES, et al.,

Defendants.

CV 22-26-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

United States Magistrate Judge Timothy Cavan filed Findings and Recommendations on April 4, 2023. (Doc. 17). Judge Cavan recommends that Plaintiff's case be dismissed with prejudice for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2). (*Id.* at 1).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that Judge Cavan committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by United States Magistrate Judge Timothy Cavan (Doc. 17) are ADOPTED IN FULL. IT IS FURTHER ORDERED that the case be DISMISSED WITH PREJUDICE and that Plaintiff's Motion for Continuance (Doc. 15) be DENIED as moot.

The Clerk of Court is directed to enter judgment and close this matter.

DATED this 8th day of May, 2023.



Susan P. Watters
SUSAN P. WATTERS
United States District Judge